

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 7131 of 2019

ORDER:

In this writ petition, petitioner challenges the letter, 01.10.2018, addressed by the officials of the Telangana Heritage Department requiring him to obtain confirmation from the GHMC for considering the application for building permission.

Learned counsel for the petitioner submits that it is respondent No.2 who has to issue 'No Objection Certificate' for granting building permission by the GHMC and it is only the GHMC empowered to grant construction permission.

Respondent Nos.2 and 3 filed a counter-affidavit asserting that Act No.22 of 2017 came to be enacted as Telangana Heritage (Protection, Preservation, Conservation and Maintenance) Act, 2017 and in terms of Section 9 thereof, the Greater Hyderabad Heritage and Precincts Committee is required to be constituted for the GHMC/HMDA area and the said Committee consists of 10 Members drawn from different departments and entrusted with specific functions in terms of Section 9(2). It is further asserted that such Committee has already been constituted on 28.03.2019 and discharging its functions, as such, it would take some time to consider the applications pending before the authority and that the Committee would consider the application of the petitioner and pass appropriate orders.

In view of the above, the impugned letter is liable to be set aside as the same does not relate to the functions which are required to be discharged by respondent Nos.2 and 3. In the facts of the present case, as there being no dispute that the Committee has to consider the application of the petitioner for making construction in the land in question, the writ petition is allowed and the impugned letter is set aside. Respondent No.2 is directed to ensure that the application of the petitioner be placed before the Committee for passing necessary orders, within a period of six weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:10.04.2019

kdl